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Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER  
 SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
 NORHTERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC., A California Corporation,	)	CASE NO.: 3:10-cv-04611-RS
Plaintiff,	)	
vs.	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER FOR DISMISSAL OF GREAT</b>
	)	<b>AMERICAN ASSURANCE COMPANY</b>
	)	<b>AND GREAT AMERICAN INSURANCE</b>
	)	<b>COMPANY</b>
WESTCHESTER SURPLUS LINES	)	
INSURANCE COMPANY, a Georgia	)	
corporation, and DOES 1 through 50,	)	
inclusive,	)	
Defendants.	)	
_____	)	
AND RELATED CROSS-ACTIONS	)	
_____	)	

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendants, Great American Assurance Company (“Great American Assurance”) and Great American Insurance Company (“Great American Insurance”), have agreed and hereby stipulate to the dismissal of Great American Assurance and Great American Insurance from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the

Court's approval and execution of the below proposed order for dismissal.

**IT IS SO STIPULATED.**

DATE: December 28, 2012

BRANSON, BRINKOP, GRIFFITH & STRONG,  
LLP

By: /s/ Michele O. Blaise  
MICHELE O. BLAISE  
Attorneys for Third-Party Defendants,  
GREAT AMERICAN ASSURANCE  
COMPANY and GREAT AMERICAN  
INSURANCE COMPANY

DATE: December 28, 2012

MORALES, FIERRO & REEVES

By: /s/ David Astengo  
DAVID A. ASTENGO  
Attorneys for Defendant and Third-Party  
Plaintiff, WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY

**~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL**

Having reviewed the above stipulation, the Court orders that Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint against Third-Party Defendants, Great American Assurance Company and Great American Insurance Company, be dismissed, with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by this Order.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: 12/31/12



HONORABLE RICHARD SEEBORG  
United States District Court  
Northern District of California